

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION FOR AUTHORITY FOR	)	
NETWORK LONG DISTANCE, INC. TO	)	
ACQUIRE CERTAIN ASSETS OF	)	CASE NO. 96-245
UNIVERSAL NETWORK SERVICES OF	)	
KENTUCKY, INC.	)	

ORDER

On May 30, 1996, Network Long Distance, Inc. ("Network") and Universal Network Services of Kentucky, Inc. ("UNS") filed an application for Commission approval of the transfer of assets of UNS to Network. Network was authorized to serve Kentucky in August 1994.<sup>1</sup> UNS was authorized to serve Kentucky in September 1994.<sup>2</sup> Network proposes to acquire the assets and customer accounts of UNS. After the transaction is complete, UNS will provide only prepaid calling card services in Kentucky.

Network asserts that Commission approval is required pursuant to KRS 278.020(4) and (5), and KRS 278.300.<sup>3</sup> Pursuant to KRS 278.020(4), no person shall acquire or transfer ownership or control, or the right to control, any utility under the

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<sup>1</sup> Case No. 94-224, The Application of Network Long Distance, Inc. for Certificate of Public Convenience and Necessity to Operate as a Reseller of Long Distance Services Throughout the State of Kentucky.

<sup>2</sup> Case No. 94-203, The Application of Universal Network Services of Kentucky, Inc. for a Certificate of Public Convenience and Necessity for the Resale of Telecommunications Services Statewide Within Kentucky.

<sup>3</sup> KRS 278.300 relates to financing. However, this application appears to contain no financing.

jurisdiction of the Commission without prior approval of the Commission. KRS 278.020(5) prohibits any person or entity from acquiring control of any utility under the jurisdiction of the Commission without prior approval.

The asset purchase agreement was filed with the application. In addition, on June 14, 1996, Network filed a letter containing additional information about the proposed transaction. Based on the application and information contained in the previous cases cited herein, the Commission finds that Network possesses the financial, technical, and managerial abilities to enable it to provide UNS customers reasonable service in Kentucky. In addition, the Commission finds that Network has established that approval of the proposed transaction is appropriate pursuant to KRS 278.020(5) as well, since it appears that the transaction is consistent with the public interest and is made in accordance with law and for a proper purpose. Accordingly, the transfer should be approved.

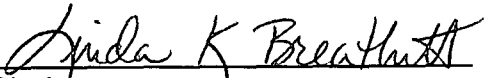
IT IS THEREFORE ORDERED that:

1. The proposed transaction as described herein is approved.
2. Network shall notify the Commission within 10 days of the date of consummation of the proposed transaction or, in the alternative, shall notify the Commission if the proposed transaction does not take place.
3. Network shall notify UNS customers of the transfer.
4. Within 30 days of the date of this Order, Network shall amend its tariff to accommodate any UNS service not yet tarified by Network.

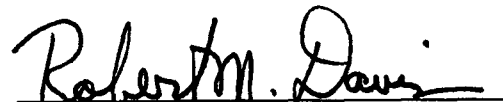
5. Within 30 days of the date of this Order, UNS shall modify its tariff deleting all services but the prepaid calling card service.

Done at Frankfort, Kentucky, this 29th day of July, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

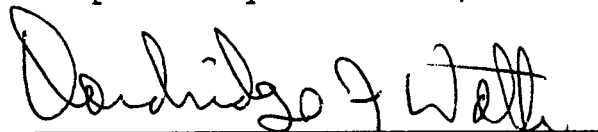
  
Executive Director

from the market of prime real estate for commercial/retail development, a critical component for the redevelopment and revitalization of the 18th Street corridor.

7. Movant believes that a more suitable, less critical site for the placement of the tower can be accomplished without compromising the ability of the Applicant to furnish a high level of service to its market area. That the Commission should require that applicant and the intervening party and/or parties mediate the location on the site proposed in the application with an ends towards developing a reasonable alternative for all parties concerned.

WHEREFORE, Movant prays that its motion be sustained and that it be granted full intervener status with all the rights pertaining thereto, for all relief to may appear proper, both legal and ethical, any costs expended and for any and all other proper relief to which it may appear entitled, both special and general.

Respectfully submitted,



Dandridge F. Walton  
DAY, SMITH, WALTON & DURHAM  
113 West Main Street  
Frankfort, Kentucky 40601  
(502) 227-4900

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was served upon Sam G. McNamara, attorney for Kentucky CGSA, Inc., 315 High Street, Frankfort, Kentucky 40601, by placing same, postage pre-paid in the U.S. mail this the 3rd day of July, 1996.

